

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOSE ALFREDO RUBIANI,

Plaintiff

VS.

ELDRIDGE A PAYNE,

Defendant

NO. 5: 03-CV-373 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER

On June 7, 2005, the undersigned directed personal service be made on defendant ELDRIDGE A. PAYNE in the above-styled case. Tab #10. On July 6, 2005, defendant Payne filed a Waiver of Reply. Tab #13. In an order dated October 18, 2006, after finding that the plaintiff has a “reasonable opportunity to prevail on th merits of his claims,” the undersigned directed defendant Payne to file an answer or dispositive motion within thirty days of that order. Tab #20. Defendant Payne complied by filing an Answer on November 17, 2006. Tab #21.

Currently before the court is the plaintiff’s “MOTION TO REINSTATE DEFAULT JUDGMENT.” Tab #18. Since defendant Payne complied with the appropriate rules of court and this court’s specific orders regarding pleadings, he is not in default. Accordingly, default judgment is not appropriate, and the plaintiff’s motion (Tab #18) is DENIED.

SO ORDERED AND DIRECTED, this 13th day of DECEMBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is stylized with a large, looped initial "C" and a prominent "H".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE